1 2 3 4 5 6 7	Charles K. Verhoeven (Bar No. 170151) charlesverhoeven@quinnemanuel.com Melissa Baily (Bar No. 237649) melissabaily@quinnemanuel.com Jordan Jaffe (Bar No. 254886) jordanjaffe@quinnemanuel.com Lindsay Cooper (Bar No. 287125) lindsaycooper@quinnemanuel.com 50 California Street, 22nd Floor San Francisco, California 94111-4788 Telephone: (415) 875-6600			
8	Attorneys for GOOGLE LLC			
9	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION			
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12				
13 14	CASI	E NO. 3:20-cv-06754-WHA		
15	GOO	OGLE'S NOTICE OF UNOPPOSED		
16	Plaintiff MO	TION AND MOTION FOR ISSUANCE LETTERS ROGATORY FOR		
17	V. DISC	COVERY FROM SWEDEN		
18	B Solves, five., Time	December 2, 2021 : 8:00 a.m.		
19	7 II	e: Courtroom 12, 19th Floor e: Honorable William Alsup		
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	COOCLE'S NOTICE OF MOTION AND MOT	Case No. 3:20-cv-06754-WHA		

GOOGLE'S NOTICE OF MOTION AND MOTION FOR ISSUANCE OF LETTERS ROGATORY

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 2, 2021 or as soon thereafter as this matter can be heard before the Honorable Judge William Alsup in Courtroom 12, Ninth Floor, United States District Court for the Northern District of California, San Francisco Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, Google Inc. ("Google") shall and hereby does move the Court, pursuant to 28 U.S.C. § 1781 and the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, to issue the accompanying Letter Rogatory, which seeks documents and testimony from Spotify AB that is highly relevant to prior art at issues in this litigation. Google moves based on this notice of motion and supporting memorandum of points and authorities, and such other written or oral argument as Google may present to the Court.

Sonos, Inc. ("Sonos") has indicated that it does not oppose Google's motion.

Case No. 3:20-cy-06754-WHA

MEMORANDUM OF POINTS AND AUTHORITIES

Google LLC ("Google") seeks foreign discovery from third-party Spotify AB in Stockholm, Sweden. Google has attached an **Appendix A** with a Letter of Request which includes document requests and deposition topics for Spotify AB.

Courts have "inherent power to issue Letters Rogatory," United States v. Staples, 256 F.2d 290, 292 (9th Cir. 1958), and "[w]hether to issue such a letter is a matter of discretion," Barnes & Noble, Inc. v. LSI Corp., 2012 WL 1808849, at *2 (N.D. Cal. May 17, 2012). "Application for a letter rogatory 'to take testimony pursuant to the Hague Convention is an appropriate mechanism for obtaining discovery of a non-party witness in a foreign country." S.E.C. v. Leslie, 2009 WL 688836, at *3 (N.D. Cal. Mar. 16, 2009) (citation omitted); see also Evanston Ins. Co. v. OEA, Inc., 2006 WL 1652315, *2 (E.D. Cal. June 13, 2006) (stating that "letters of rogatory shall issue unless good cause is shown otherwise."). Here, the issuance of this Letter Rogatory is necessary because the requested information is highly relevant to Google's invalidity. The requested discovery seeks targeted information related to Google's invalidity defenses for at least U.S. Patent Nos. 9,967,615 ("'615 patent") and 10,779,033 ("'033 patent"), which Sonos has called its "cloud queue" patents. For example, Google believes that Spotify AB is in possession of relevant prior art to the cloud queue patents. Google has attempted to obtain this information by serving a subpoena on a related Spotify entity in the United States, however, that entity contends that it may not be in possession, custody or control of all the requested documents and testimony Google has requested. Accordingly, obtaining the documents and testimony sought with this letter of request is important to Google's ability to defend itself effectively.

Google LLC respectfully requests that the Court execute the Letter of Request attached as Appendix A. Google further requests that, after the Court has signed the Letter of Request, the Clerk of this Court authenticate the Court's signature under the seal of this Court, and return the original signed and sealed executed Letter, and two certified copies of the signed and sealed executed Letter, to Google's counsel, Lindsay Cooper, for delivery to the proper authority.

Plaintiff, Sonos, Inc., indicated that it does not oppose Google's request.

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1	DATED: October 12, 2021	Respectfully submitted,
2		
3		By/s/Lindsay Cooper
4		Counsel for Defendant Google LLC, Inc.
5		Counsel for Defendant Google LLC, Inc.
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GOOGLE'S NOTICE OF MOTION AND MOTION FOR ISSUANCE OF LETTERS ROGATORY